

REMARKS

Claims 1-12 are pending. Reconsideration and allowance based on the below comments are respectfully requested.

Applicants appreciate the indication of claims 6, 10 and 11 as reciting allowable subject matter.

Prior Art Rejection

The Office Action rejects claims 1-2, 4-5, 7-8 and 12 under 35 U.S.C. §103(a) as being unpatentable over Herbst, et al (6,321,161) in view of Kirson (US 5,220,507). This rejection is respectfully traversed.

The office Action alleges that Herbst teaches obtaining a bypass setting as claimed in embodiments of the present invention. Applicants respectfully disagree. The Office Action alleges that the identification of a road segment which is to be avoided when determining a detour route, constitutes the claimed bypass setting. Applicants respectfully submit that Herbst's system allows a user to identify road segments that are to be avoided upon creation of the route. These identified segments are not included in the route. See column 12, lines 40-67.

Applicants respectfully submit that the identification of road segments is not the same as designating at least two guide points, as claimed by applicants in independent claims 1, 7 and 12. In embodiments of the present invention, a set of guide points is displayed. A user selects two guide points from the displayed list from which the user wishes to create a bypass. These guide points do not have to be consecutive guide points on the display list. Upon selection of the guide points, a bypass setting is created for the section of the route connected between the two guide

points. The two guide points could have, for example, four additional guide points located between the two guide points. Thus, the bypass setting created would encompass all guide points between the two designated guide points, thus creating a bypass setting that encompasses all these guide points. The bypass setting is then stored and used at an appropriate time for creating a new route around the designated guide points and any guide points therebetween.

In Herbst, a user does not select guide points, and instead selects a segment of road. As stated at column 5, lines 20-21, a list is developed that “identifies a continuous series of road segments that form a legally valid solution route between the origin and destination.” Thus, a series of segments make up the route. The user in Herbst only identifies segments, not deviation points. Although each segment has a beginning and an end point, if a user wants to avoid a part of the road that encompasses three segments, then the user must select these three segments. This is contrary to applicants’ invention, which would allow a user to designate for example a point at the beginning of the first segment of road and designate a point at the end of the third segment of road to create a bypass setting encompassing all three segments. By selecting two designation points, a selection of each segment is not necessary.

Furthermore, upon identifying a segment data representing the identified segment, such as the bypass setting as claimed by applicants, it is not obtained and stored in Herbst’s system. This particular feature is unnecessary in Herbst’s system since the segment of road selected has already been defined and thus is absent in Herbst’s teachings. In embodiments of the present invention, the road between two guide points is not necessarily defined since it is dependent upon what two guide points are designated.

The Office Action states that Herbst does not teach storing a bypass setting in a memory for retrieval as claimed in the embodiments of the present invention. The Office Action alleges that Kirson provides this teaching absent in Herbst. Applicants respectfully disagree.

Kirson teaches a conventional navigation system in which roadways and inputted user preferences are stored in a memory for use by the system in determining navigation routes. The memory of Kirson stores data, but does not store data similar to a bypass setting which is calculated from the designation of two separate designation points. Further, even if the memory of Kirson could be combined with Herbst's system, which applicants contend it cannot, the combination would not produce the claimed feature as Herbst fails to teach obtaining a bypass setting as claimed.

Also, one of ordinary skill in the art would not be motivated to combine Kirson's teaching with Herbst's system. As stated above, Kirson provides a system in which a memory is used to store route information and user preferences. At best, one would be motivated by Kirson's teachings to use a memory to store road data and user input preferences for use in calculating a route, not a bypass setting which is created from two user designated points.

Further, Herbst fails to provide motivation to combine Kirson's memory with Herbst's system. In Herbst, alternative routes are provided for a user at featured node points on a route. A detour is directly derived from the node point or from a user identified segment. A bypass setting is not obtained based on two designated guide points. Thus, because a bypass setting is not obtained a storage memory for the bypass setting is not necessary. Thus, one would not be motivated to include Kirson's memory device to store a bypass setting as in the present invention.

In view of the above, applicants respectfully submit that the combination of Herbst and Kirston fails to teach each and every feature of applicants' independent claims 1, 7 and 12. Further, motivation for combining the teachings within Kirston with Herbst is not provided. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

For at least these reasons, it is respectfully submitted that claims 1-12 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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